SHRI AJIT P. K. JOGI: There is not one instance where those persons have been rehabilitated properly.

SHRI Z. R. ANSARI: For the rehabilitation, for the afforestation of some other area outside whatever area is submerged....

MR. CHAIRMAN: He is talking about rehabilitation of those who have been displaced. It is not your responsibility; it is another Ministry.

SHRI AJIT P. K. JOGI: It is their responsibility.

SHRI Z. R. ANSARI: Sir, the projects come to us for clearance from the environment angle. The hon. Member wants to know why clearance is being given to these big projects. We give clearance to these big projects after evaluating them.

*285. [*The questioner (Shri Ghulam Rasool Matto was absent. For answer* vide *cols* 34-35 infra]

Mining in Doon Valley

*286. SHRIMATI VEENA VERMA:† SHRI KAPIL VERMA:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether it is a fact that mining has again been allowed in the Doon Valley in violation of all rules and norms;

(b) if so, what are the details of the mines which have been reopened;

(c) whether the Supreme Court by its order dated the 30th August, 1988 has stayed the mining in all but three mines in the Mussoorie-Dehradun belt; and

(d) if so, what are the reasons for reopening the mines?

†The question was actually asked on the floor of the House by Shrimati Veena Verma.

THE MINISTER OF ENVIRONMENT AND FORESTS (SHRI Z. R. ANSARI): (a) No, Sir.

(b) to (d) A statement is laid on the Table of the House.

Statement

(b) and (c) The Hon'ble Supreme Court has allowed continuation of mining operations by the following three lessees till the expiry of the lease period:

(i) Lambidhar Limestone Mine of U.P. State Mineral Development Corporation bearing lease No. 94 which is valid upto 10-3-1996.

(ii) Ladwakot Mine of Shri R. K. Oberai bearing Lease No. 72 which is valid upto 10-4-1994.

(iii) Limestone Mine of Punjab Lime and Limestone Company bearing Lease No. 96 which is valid upto 12-12-1989.

Besides these, the Hon'ble Court has directed Vijayashree Minerals which has lease valid upto 20-3-1990 to file an undertaking that it would immediately restore vegetation over 100 acres of private land near to the 15 acres of leased area and that leased area would also be reafforested by the lessee immediately after the lease period is over, and on filing the undertaking the lessee, as a special case, shall be permitted to operate until the expiry of the lease. This mine is also now working in addition to the three mines mentioned above.

(d) Apart from the four mines mentioned above which are working under the Orders of the Honourable Supreme Court, no other Limestone mine has been allowed to be reopened.

SHRIMATI VEENA VERMA: Sir, it is surprising that Vijayshree Minerals has been allowed by the district administration to mine on land acquired by the U.P. Government, which has

already been allotted to the Tourist Department to develop a tourist centre. By the notification of January 30, 1988, the U.P. Government acquired 69.2 hectares of land including 6 hectares of land on lease to Vijayshree Minerals. This company has misrepresented to the Supreme Court about this land. The Tourist Department has already brought to the notice of the district administration that it owned the land and that steps should be taken to prevent unauthorised occupation. My question is why Vijayshree Mills has been allowed to start mining on the piece of land already acquired and under occupation of the U.P. Government and wrongly claimed by the land-owner.

SHRI Z. R. ANSARI: The hon. Member has got some misconception. The whole matter regarding these mines... (*Interruptions*) I am sorry. Sir, the whole question regarding Doon Valley...

MR. CHAIRMAN: Even Mr. Baby is objecting to "misconception."

SHRI SATYA PRAKASH MALAVIYA: He is a baby, Sir.

SHRI N. E. BALARAM: "Misconception" is bad.

SHRI Z. R. ANSARI: Sir, the whole question regarding these limestone quarries is before the Supreme Court. Neither the State Government nor Central Government allowed and of these limestone quarry mining. It is on a judgement by the Supreme Court that this mining company has been allowed mining.

SHRIMATI VEENA VERMA: Was there fulfilment of the pre-condition for mining laid down by the Supreme Court that the mine-owner would immediately restore vegetation over 100 acres of private land near the 15 acres of the leased land, and if so, what are the details?

SHRI Z. R. ANSARI: Sir, before allowing this particular company, the condition imposed by the Supreme Court was that mining would be carried on only on the condition that the mining company would give an undertaking to re-afforest 100 acres of private land supposed to be in its possession adjoining this area and would also re-afforest 15 acres of the leased area immediately after the lease period is over. This is the condition. I do not have information whether...

SHRI KAPIL VERMA: Has it been done?

SHRI Z. R. ANSARI: I do not have the information whether this undertaking has been given or not.

SHRI KAPIL VERMA: My complaint is that the Dehradun...

MR. CHAIRMAN: You ask question here. What is your question?

SHRI KAPIL VERMA: My question is that the district administration has not objected before the Supreme Court saying that it has already acquired this land. This land does not belong to them. A feeling is there—that and all the Press reports say that the district administration is in collusion with the mine owners. Is the Government aware that a member of the Monitoring Committee set up by the Supreme Court to supervise the implementation of the order has said that in the case of this mine clearly the Supreme Court order has been flouted.

Second part of my question is what steps has this Committee appointed by the Supreme Court taken to ensure that the implementation of the order is correctly made and afforestation started? The name of the member, who has objected in this particular case, is Prem Thadani.

SHRI Z. R. ANSARI: The Supreme Court has appointed a monitoring committee and it has submitted its

report to the Supreme Court. This report is confidential. Therefore, it is difficult for me to give details of the report submitted by the monitoring committee. But I know that this whole litigation has been started on the complaint of some private residents of that area or a sort of organisation of the local area.

SHRI KAPIL VERMA: The Supreme court asked the people to ... (*Interruption*).

.....

SHRI Z. R. ANSARI: Please. They have taken objection to it. This particular mining operation was allowed by the Supreme Court on the assumption that it is outside the municipal limits of Mussoorie.

SHRI KAPIL VERMA: Which is wrong.

SHRI Z. R. ANSARI: And the petitioners have filed an affidavit that this is a wrong assumption that mine is within the municipal limits of Mussoorie. This much we know. We are awaiting the judgment of the hon. Supreme Court. The whole matter is *sub-judice*. Therefore, I cannot say anything about it.

SHRI KAPIL VERMA: He has not replied to my question. Why has the district administration not brought it to the notice of the Supreme Court that this land belongs to the State Government? It was acquired in January, 1938. Why was the district *sub-judice*. Therefore, I cannot say against the public interest?

SHRI Z. R. ANSARI: According to my information this matter whether...

SHRI KAPIL VERMA: Political.

MR. CHAIRMAN: Don't disturb in between.

SHRI Z. R. ANSARI: ....whether a particular area is within the municipal limits or not, has to be decided by the UP Government. Probably the UP Government will take its view. (*Interruptions*).

MR. CHAIRMAN: You find out from the U.P. Government.

SHRI PAWAN KUMAR BANSAL: Out of the three companies mentioned in the statement, that at number one is the U.P. State Mineral Development Corporation, and the lease goes right up to 1996. I would like to know from the hon. Minister that when the Government is so much conscious to preserve this valley and to arrest its eventual death, whether the Government has taken up the matter with the U.P. State Government out of the court to see that at least the State corporations do not indulge in this reckless mining in this valley.

SHRI Z. R. ANSARI: The mining operations are being done for certain useful purposes also. The limestone which is available in that area is being used in many many important industries—in the steel industry and in other industries. It was found when the litigation started in the Supreme Court, many committees had given their reports regarding their assessment that whatever are the mining operations, they are least damaging to the ecology of that area. According to the reports, the honourable Supreme Court has decided that these three mines should be allowed to work.

PROF. SOURENDRA BHATTACHARJEE: Mr. Chairman, Sir, the Minister in his original statement in reply to part (a) of the question has said that "No, Sir" meaning there was no mining operation in the area. But subsequent clarifications brought out that mining operations were there under the Supreme Court order. Part (a) answer does not say under whose authority mining is going on. Therefore, how the answer could be 'no'?

Subsequently another Member has put a question regarding the performance...

MR. CHAIRMAN: You put your question.

PROF. SOURENDRA BHATTACHARJEE: ....of the Uttar Pradesh Government in the matter, that is land which was already acquired by the Government, the State Government did not put its point of view before the court that the land did not belong to mine-owners. What would be the information of the Government of India in this regard regarding the performance of the Uttar Pradesh Government? This act of omission or might even be commission, whether any action has been taken by the Government of India to remedy this position taken up by the Government of Uttar Pradesh by not contesting the case of the private mine-owners.

SHRI Z. R. ANSARI: Sir, if the hon. Member had cared to read the whole question and my answer he would have perfectly understood it. Part 'a' of the question is: "Whether it is a fact that mining has again been allowed in the Doon Valley in violation of all rules and norms;" The answer is "No, Sir." We have not allowed any mining operation against the violation of all rules and regulations.

MR. CHAIRMAN: He is asking "Why the Government of Uttar Pradesh did not inform the court that it was their lapse?"

SHRI CHATURANAN MISHRA: Sir, not all but majority of the rules have been violated. Does he mean to say that?

PROF. SOURENDRA BHATTACHARJEE: His answer to part 'a' 'no' is misleading.

MR. CHAIRMAN: Nobody is misleading. Everybody is leading in the right direction.

SHRI Z. R. ANSARI: He says my reply to part 'a' of the question 'no' is wrong but I said it is not wrong because we have not allowed any mining operations in violation of all rules and regulations. Rather allowing mining operations in the Doon Valley was not in our hands. It was a litigation before the highest court of law of this country, that is, before the Supreme Court and they have allowed these mining operations after getting a report from some technical committees. This is the position.

SHRI BIR BHADRA PRATAP SINGH: Mr. Chairman, Sir, it is a very simple question.

MR. CHAIRMAN: You put your simple question.

SHRI BIR BHADRA PRATAP SINGH: All the time the hon. Minister was harping upon the same answer. It is a fact that mining is more devastating than industrialisation so far as ecological balance is concerned.

MR. CHAIRMAN: Come to your question please.

SHRI BIR BHADRA PRATAP SINGH: Part 'c' of the statement says that in all cases there was a stay. The question is why only in three cases the stay was vacated? The hon. Minister is not replying to every supplementary...

MR. CHAIRMAN: This is his question...

SHRI BIR BHADRA PRATAP SINGH: Through collusion or by doing *pairvi* or by not supplying the material or by dishonest methods they have been allowed to get the stay vacated. So what is the explanation of the hon. Minister in this regard? Why there is discrimination by the Supreme Court when in all the cases, they have granted stay, in these three cases, they have vacated the stay. (*Interruption*). . .

MR. CHAIRMAN: I hope, you are not insinuating that there is discrimination by the Supreme Court.

SHRI BIR BHADRA PRATAP SINGH: No, no, (*Interruption*)...

MR. CHAIRMAN: "Collusion by the Supreme Court," no Member is permitted, to insinuate that.

SHRI BIR BHADRA PRATAP SINGH: Sir, how can the matter be brought before the Supreme Court? Supposing no counter is filed. (*Interruption*). No, no, I explain it.

MR. CHAIRMAN: Please follow me. You cannot insinuate any collusion so far as the Supreme Court is concerned. That is the established convention of the House.

SHRI BIR BHADRA PRATAP SINGH: No, no, I have not suggested that.

MR. CHAIRMAN: Then choose yours words carefully.

SHRI BIR BHADRA PRATAP SINGH: No, no. I am suggesting that those who are doing *pairvi*, they did *pairvi* so far as other cases were concerned and the stay was confirmed. But why did not they do *pairvi* in these three cases? That is why the stay was vacated.

SHRI Z. R. ANSARI: Sir, this is a wrong assumption. Sir, the *pairvi* has been done quite honestly and the Hon'ble Supreme Court, after appointing a technical Committee and after taking a report from them, they have taken a decision that these are the three mining companies which are doing mining with the least adverse affect on the ecology. Therefore, they have allowed them and because it is outside the Mussoorie Municipal limits, it has been challenged by an affidavit presented to the Supreme Court by the petitioners.

DR. YELAMANCHILI SIVAJI: Sir, from the discussion it appears that there is a lacuna in the law. Four mine owners are operating there with the order of the Supreme Court. Is the Government contemplating to amend the law to overcome this flaw?

SHRI Z. R. ANSARI: I would not understand the question. Will you please repeat again?

DR. YELAMANCHILI SIVAJI: Four companies are mining there with the order of the Hon'ble Supreme Court. It appears that there is a lacuna in the law so that they can operate there with their order. Is the Government contemplating to amend the existing law of the land to see that the judgment of Hon'ble Supreme Court may be overcome?

SHRI Z. R. ANSARI: Sir, presently, we have no proposal to amend the law as far as these mining operations are concerned. These mining operations have been allowed taking all care for the preservation and conservation of the ecology of that area. The Hon'ble Supreme Court has come to a conclusion that these four mining operations which are the least harmful for the ecology of that area and therefore, they have allowed. At present, we have no proposal for amending any law.

Reduction in Non-Developmental Expenditure

*287. SHRI V. NARAYANSAMY: Will the Minister of FINANCE be pleased to state:

(a) whether it is a fact that the non-developmental expendture shot-up in spite of the clear directives issued by the Central Government as per the Reserve Bank of India report for the years 1987-88 and 1988-89; and

(b) if so, what steps Government are taking to reduce the non-developmental expenditure so as to invest more funds in the developmental activities?

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHVI): (a) According to statistics published by Reserve Bank of India the growth rate in non-deve-